IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16297 of 2005

Between:

G. Krishnaiah S/o. Late G. Subbarayudu
Door No. 1/3380, J.K. Road, Pulivendula, Cuddapah District,

..... PETITIONER

AND

1. The Pulivendula Municipality, Rep. by its Commissioner,
   Pulivendula, Cuddapah District,
2. The Superintending Engineer, Roads & Buildings, Cuddapah,
   Cuddapah District,
3. The Executive Engineer, Roads & Buildings,

Pulivendula, Cuddapah District,

.....RESPONDENTS

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondent Nos.2 & 3: G.P. for Roads & Buildings.

The Court made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in trying to demolish the building bearing Door Nos.1/3379 and 1/3380, J.K. Road and Muddunur Road, Pulivendula, Cuddapah District without initiation of

proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the first respondent and the learned Government Pleader for Roads and Buildings appearing for the respondents 2 and 3.

3. The learned counsel for the petitioner contended that the petitioner is the absolute owner of the building bearing Door No.1/3379 and 1/3380, J.K. Road & Muddunur Road, Pulivendula, Cuddapah District and he has not encroached any Government site. It is his further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish his building in the process of road widening.

4. On the other hand, the learned counsel for the first respondent contended that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for demolition of the building of the petitioner.

5. The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

5. Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents

not to take any steps for demolition of the building of the petitioner without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

6. The Writ Petition is, accordingly, disposed of. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 25.07.2005

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